



From: Norris McLaughlin & Marcus

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T-095 P.004/012 F-030

U887

Norris, McLaughlin & Marcus, P.A.

220 East 42<sup>nd</sup> Street, 30<sup>th</sup> Floor  
New York, NY 10017

If each inventor understands English, the Declaration and Power of Attorney below is suitable for use when filing a regular patent application and also when entering the national stage, in the case of an International application designating the USA under the PCT.

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION			Attorney Docket No. 102132-14
As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below at 201) or an original, first and joint inventor (if plural names are listed below at 201-205) of the subject matter which is claimed and for which a patent is sought on the invention entitled			
<b>METHOD FOR OPTIMIZING REFUELING OF RAIL VEHICLES</b>			
the specification of which (check one)			
<input type="checkbox"/> is attached hereto			
<input checked="" type="checkbox"/> <u>X</u> was filed on <u>July 28, 2003</u>			
under Serial Number <u>10/628,778</u> and was amended on _____ (if applicable).			
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.			
I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.			
I list below any prior foreign application(s) for patent or inventor's certificate in respect of which foreign priority benefits are claimed under 35 USC 119; and any prior foreign application(s) for patent or inventor's certificate in respect of which such foreign priority rights are not claimed and which has a filing date before that of any application in respect of which such foreign priority benefits are claimed:			
Application Number	Country	Filing Date (day, month, year)	Priority Claimed under 35 USC 119
102 34 544.9	Germany	30.07.2002 (30 July 2002)	YES: <u>X</u> NO: _____
			YES: _____ NO: _____
			YES: _____ NO: _____
I hereby claim the benefit under Title 35, United States Code, §119(c) of any United States provisional application(s) listed below.			
Application No.		Filing Date	


Combined Declaration and Power of Attorney  
102132-14  
Page 2

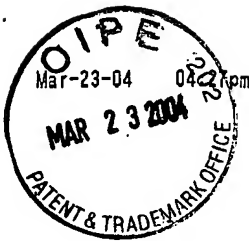
I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**Bruce S. Londa (33,531), Lorimer P. Brooks (15,155), William R. Robinson (27,224),  
Kurt G. Briscoe (33,141), William C. Gerstenzang (27,552), Davy E. Zoneraich (37,267),  
Mark A. Montana (44,948), Christa Hildebrand (34,953), Howard C. Lee (48,104), Theodore  
A. Gottlieb (42,597), Andrew N. Parfomak (32,431), David D. Kim (Reg. No. 53,123)**

<b>201</b>	Family Name Grabher	First Given Name Reinhard	Second Given Name
	City of Residence Lustenau	State or Foreign Country Austria	Country of Citizenship Austria
	Post Office Address Vorachstrasse 33b	City Lustenau	State & ZIP/Country A-6890/ Austria
<b>202</b>	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country
<b>203</b>	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country
<b>204</b>	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country

Combined Declaration and Power of Attorney  
102132-14  
Page 3

<b>205</b>	Family Name	First Given Name	Second Given Name
	City of Residence	State or Foreign Country	Country of Citizenship
	Post Office Address	City	State & ZIP/Country
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p>			
Signature of Inventor 201  Fritz Huber (Manager); Kräutler Ges.m.b.H. Co. Signing pursuant to 37 CFR 1.47 (b) for R. Grabher		Date 23.2.2004	
Signature of Inventor 202		Date	
Signature of Inventor 203		Date	
Signature of Inventor 204		Date	
Signature of Inventor 205		Date	



From-Norris McLaughlin & Marcus

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T-095 P.007/012 F-030

CERTIFICATE OF FIRST CLASS MAIL  
I hereby certify that this correspondence is  
being deposited with the United States Postal Service  
as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450 on the date below.

# PATENTS

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CREDIT ANY EXCESS WITH THIS  
DOCUMENT TO OUR DEPOSIT  
ACCOUNT No. 14-1263

Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/628,778  
Inventor: : Reinhard Grabher  
Filed : July 28, 2003  
TC/A.U. : not yet assigned  
Examiner : not yet assigned

Confirmation No.:

Docket No. : 102132-14  
Customer No. : 27388

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### PETITION UNDER 37 CFR §1.47 INVENTOR REFUSES TO SIGN

SIR:

Please accept this petition under 37 CFR § 1.47 which explains the circumstances  
surrounding the inventor's refusal to sign the combined power of attorney/oath and  
declaration and letter of assignment as required by MPEP 409.03(d).

### CONDITIONAL PETITION FOR EXTENSION OF TIME

03/24/2004 HTECKLU1 00000132 141263 10628778

02 FC:1460 130.00 DA

Petition under 37 CFR § 1.47 INVENTOR REFUSES TO SIGN

U.S. Serial No.10/628,778  
Page 1  
00033365

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

#### **ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

#### **REMARKS**

##### ***Statement of Facts***

I, Dr. Wendelin HUBER, am an employee of Kräutler GmbH & Co. and in charge of handling internally U.S. application serial no. 10/628,778;

I am aware of the circumstances surrounding the refusal of Mr. Grabher to join as an inventor and present this statement of facts.

On October 10, 2003 I had a personal discussion with Mr. Grabher. In the course of this discussion the application papers were presented. Mr. Grabher declared that he is not willing to sign the papers.

##### ***Last Known Address of Non-Signing Inventor(s)***

The last known address of the non-signing inventor, Mr. Grabher is:

Vorachstr. 33b, A-6890 Lustenau, Austria

##### ***Signature***

The undersigned hereby declares as follows:

The undersigned further declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and that the foregoing statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Petition under 37 CFR § 1.47 INVENTOR REFUSES TO SIGN

U.S. Serial No.10/628,778  
Page 2  
00033365

Date: 20/01/2004 By: ppa. W. Huber  
name Wendelin Huber

Petition under 37 CFR § 1.47 INVENTOR REFUSES TO SIGN

U.S. Serial No.10/628,778  
Page 3  
00033365

*Closing*

- Applicant also believe that this petition address the refusal of the inventor to sign the combined power of attorney/oath and declaration. However, should any issue(s) of a minor nature remain, the PTO is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Respectfully Submitted,



Christa Hildebrand  
Reg. No. 34,953  
Attorney for Applicant(s)

Norris, McLaughlin & Marcus P.A.  
220 East 42<sup>nd</sup> Street - 30<sup>th</sup> Floor  
New York, N.Y. 10017  
Telephone: (212)808-0700  
Facsimile: (212)808-0844



Mar-23-04

04:28pm

From-Norris McLaughlin &amp; Marcus

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T-095 P:011/012 F-030

Deutschland  
Germany

# Erfinderbenennung – Declaration of Inventorship

Der (Die) Anmelder(in): (Name und Anschrift wie im Erteilungsantrag) • The applicant(s) (name and address as on application form)	Firma Kräutler Ges.m.b.H. & Co., Bildgasse 40, A-6893 Lustenau, Österreich
der Erfindung: (Bezeichnung wie im Erteilungsantrag) • of the invention: (title as on application form)	Verfahren zur Optimierung der Betankung von Schienenfahrzeugen
Ämtliches Aktenzeichen: (wenn bereits bekannt) official filing number: (if already known)	10234544.9

benennt (benennen) als Erfinder: (Vor- und Zuname, Anschrift, bei Frauen auch Geburtsname)  
declares(s) as inventor(s): (First names, surnames, address, and maiden name of married women)

Reinhard Grabher  
Vorachstraße 33b  
6890 Lustenau

Es wird versichert, daß meines (unseres) Wissens weitere Personen an der Erfindung nicht beteiligt sind.  
I/We state that to my/our knowledge no other persons have participated in the making of the invention.  
Das Recht auf das Patent ist auf den (die) Anmelder(in) aus dem unten genannten Grund übergegangen:  
The right to apply for the patent has passed to the applicant(s):

☒ Der (die) Erfinder ist (sind) Arbeitnehmer der (des) Anmelderin (Anmelders)  
The inventor(s) is (are) an employee(s) of the applicant(s).

☐ durch / by virtue of \_\_\_\_\_, vom / dated \_\_\_\_\_  
(z. B. Vertrag, mündliche Vereinbarung) / (e. g. assignment, verbal agreement)

☐ Erfinder ist (sind) der (die) Anmelder  
The inventor(s) is (are) the applicant(s).

☐

Lustenau, 10.02.2003

Ort/Place: Datum/Date

Fritz Huber (Manager)  
Kräutler Ges.m.b.H. & Co.

(Unterschrift des Anmelders, der Anmelder(in) oder des Vertreters: bei natürlichen Personen: Namen und Vornamen voll ausschreiben, bei Firmen genaue, eingetragene Firmenbezeichnung angeben; Beglaubigung nicht erforderlich).

(Signature of the applicant(s) or representative: first names and surnames of individual persons are to be written in full, corporate bodies are to sign in the form in which they are registered; no legalization).

## Antrag des Erfinders auf Nichtnennung – Request of the Inventor not to have his name published

(Nur ausfüllen, wenn der (die) Erfinder öffentlich nicht bekanntgegeben werden will (wollen)  
(To be completed only if the name(s) of the inventor(s) is/are not to be published)

Ich/Wir beantrage(n) hiermit, öffentlich nicht als Erfinder bekanntgegeben zu werden und keine Akteneinsicht in obige Erfinderbenennung zu gewähren.\*

I/we hereby request not to have my/our name(s) published as inventor(s) and not to permit inspection of the above declaration of inventorship.\*

Ort/Place: Datum/Date

(Eigenhändige Unterschrift des Erfinders oder der Erfinder mit voll ausgeschriebenen V. und Zunamen; keine Beglaubigung erforderlich)

(Personal signature of the inventor(s) with first names and surnames in full; no legalization required)

Teil-Nr. PAK 07 10.88  
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Helmuth Verlag KG, Luxemburger Straße 449, 50939 Köln





Reinhard Grabher et al.  
102132-14

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Reinhard Grabher et al.  
SERIAL NO. : 10/628,778  
FILED : July 28, 2003  
FOR : Method for optimizing refueling of rail vehicles  
ART UNIT : TBA  
EXAMINER : TBA

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Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF DECLARATION AFTER  
FILING OF THE APPLICATION**

Sir:

Applicant requests joining the enclosed Combination Declaration and Power of Attorney with the Application Papers filed on July 28, 2003 for which Applicant has **not yet received a Notice To File Missing Parts.**

Applicant is:

☒ a small entity

☐ other than a small entity

It is requested that the surcharge for the filing of the Declaration be charged to the undersigned's Deposit Account No. 14-1263.

03/24/2004 HTECKLU1 00000132 141263 10628778

01 FC:2051 65.00 DA



Mar-23-04

4:27pm

From-Norris McLaughlin & Marcus

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T-095 P.003/012 F-030

Reinhard Grabher et al.  
102132-14

Please charge:

☒ \$ 65.00 for late Declaration

☒ \$130.00 for Enclosed Petition Under 37 CFR § 1.47

A separate fee transmittal in duplicate is enclosed.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By

Christa Hildebrand

Christa Hildebrand

Reg. No. 34,953

CH/ow

220 East 42<sup>nd</sup> Street -30<sup>th</sup> Floor  
New York, New York 10017  
Tel.: (212) 808-0700  
Fax: (212) 808-0844



Mar 23 04 04:26pm From-Norris McLaughlin & Marcus

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T-095 P.001 F-030

**NORRIS, MCLAUGHLIN & MARCUS**  
A PROFESSIONAL CORPORATION

220 EAST 42<sup>ND</sup> STREET  
30<sup>TH</sup> FLOOR  
New York, NY 10017  
(212) 808-0700  
Facsimile: (212) 808-0844

### FACSIMILE COVER SHEET

TO: United States Patent and  
Trademark Office

Serial No.:  
10/628,778  
TELEFAX: 703-746-4060

PHONE NUMBER:

COMPANY/FIRM:

Norris McLaughlin & Marcus

FROM:

Olimpia Jakubowska-Wrobel for  
Christa Hildebrand, Reg. No. 34 953

ATTORNEY DOCKET NO.:

102132-14

DATE:

March 23, 2004

#### MESSAGE:

I hereby certify that the following papers are being transmitted by facsimile to the Patent and Trademark Office on the date shown below:

- Transmittal Sheet (2 sheets)
- Combined Declaration and Power of Attorney( 3 sheets)
- Petition Under 37 CFR §1.47 (with attached Declaration of Inventorship)(5 sheets)
- Fee Transmittal (1 sheet)

#### CHARGE DEPOSIT ACCOUNT 14-1263

By Olimpia Jakubowska-Wrobel

Date March 23, 2004

We are transmitting 12 pages, including cover page. If the transmission is not complete, please call (212) 808-0700 and ask for Olimpia Jakubowska-Wrobel at Ext. 671.

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P.O. Box 1018  
Somerville, NJ 08876-1018  
Telephone: (908) 722-0700 Facsimile: (908) 722-0755

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Mar-23-04  
MAR 23 2004

12:28pm

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T-095 P.012/012 F-030

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PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$195.00

## Complete if Known

Application Number 10/628,778  
Filing Date July 28, 2003  
First Named Inventor Reinhard Grabher  
Examiner Name TBA  
Art Unit TBA  
Attorney Docket No. 102132-14

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account:  
Deposit Account Number 14-1263  
Deposit Account Name Norris, McLaughlin & Marcus

The Director is authorized to: (check all that apply)  
☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims Fee from below Fee Paid  
Total Claims 20\*\* X 0 = 0.00  
Independent Claims 3\*\* X 0 = 0.00  
Multiple Dependent

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	Reissue independent claims over original patent	
1205 18	2205 9	Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$) \$0.00

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non - English specification	
1812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	130.00
1807 50	2807 50	Processing fee under 37 CFR § 1.17(q)	
1806 180	2806 180	Submission of Information Disclosure Statement	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$195.00

## SUBMITTED BY

Name (Print/Type) Christa Hildebrand Registration No. 34, 953 Telephone 212- 808-0700  
Signature Christa Hildebrand Date 03/23/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.